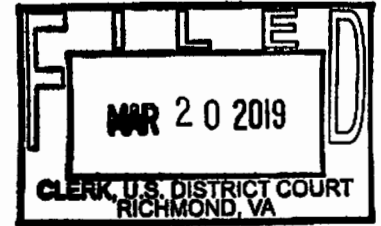


IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division



MILTON ANTOINE BROWN,

Plaintiff,

v.

Civil Action No. 3:19CV172

NURSE WHEELER, *et al.*,

Defendant.

MEMORANDUM OPINION

Plaintiff, a Virginia inmate, submitted this action and requested leave to proceed *in forma pauperis*. The pertinent statute provides:

In no event shall a prisoner bring a civil action [*in forma pauperis*] if the prisoner has, on 3 or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.

28 U.S.C. § 1915(g). Plaintiff has at least three other actions or appeals that have been dismissed as frivolous or for failure to state a claim. *See, e.g., Brown v. Goff*, No. 3:18CV223, ECF Nos. 7, 8 (E.D. Va. June 13, 2018); *Brown v. United States Department of Justice*, No. 3:18CV347, ECF Nos. 3, 4 (E.D. Va. June 12, 2018); *Brown v. United States Department of Justice*, No. 3:18CV341, ECF Nos. 3, 4 (E.D. Va. June 12, 2018); *Brown v. United States Department of Justice*, No. 3:18CV339, ECF Nos. 3, 4 (E.D. Va. June 12, 2018); *Brown v. Smith*, No. 3:18CV225, ECF Nos. 8, 9 (E.D. Va. June 12, 2018). Plaintiff's current complaint does not suggest that he is in imminent danger of serious physical harm. Accordingly, Plaintiff's request to proceed *in forma pauperis* is DENIED. The action will be DISMISSED WITHOUT PREJUDICE. If Plaintiff

wishes to proceed with this action, he may submit a new complaint with the full \$400 filing fee.

The Court will process such a complaint as a new civil action.

An appropriate Order shall accompany this Memorandum Opinion.

It is so ORDERED.

Date: *19 March 2019*
Richmond, Virginia

/s/ JAG

John A. Gibney, Jr.
United States District Judge